

# EXHIBIT 1

**UNITED STATES DISTRICT COURT**

for the  
Southern District of Mississippi

Douglas Handshoe

\_\_\_\_\_  
*Plaintiff(s)*

v.

Vaughn Perret, Charles Leary, Daniel Abel d/b/a  
Trout Point Lodge Ltd. & in their individual capacities,  
Progress Media Group, Ltd., Marilyn Smulders,  
Torstar Corp. National Geographic Society et al

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 1:15cv382-HSO-JCG

**AFFIDAVIT**

I, WAYNE S. RIDEOUT of Shelburne, Province of Nova Scotia, make oath and say as follows:

1. As an Officer of the Court and legal counsel representing the interests of the Plaintiff, I am familiar with this matter, and say all statements herein are correct.
2. On Friday, May 19, 2017, my office received the Summons in a Civil Action and Complaint and Return Summons for service on Trout Point Lodge, Ltd. from Mr. Handshoe. The form of Return is attached hereto as **Attachment "A"**.
3. Also on Friday, May 19, 2017, I forwarded the aforesaid documents to Mr. Garnet Horton, Bailiff Service, to affect service of the same on the Defendant, Trout Point Lodge, Ltd. A copy of my correspondence to Mr. Horton is attached hereto as **Attachment "B"**.
4. On Thursday, June 1, 2017, having heard nothing back from Mr. Horton, I contacted him via email to ask him the status of service (attached hereto as **Attachment "C"**).
5. On Thursday, June 1, 2017, Mr. Horton advises and I do verily believe that:
  - (a) Tried to serve Charles Leary without success.
  - (b) On Wednesday, May 24<sup>th</sup>, he waited at the Superstore (where Mr. Leary is known to shop) from 1:30 p.m. to 3:30 p.m., and again on Thursday, May 25<sup>th</sup>, from 2:00 p.m. to 3:30 p.m. Mr. Leary did not attend at Superstore during those time periods.
  - (c) On Friday, May 26<sup>th</sup>, at 10:40 a.m., Mr. Horton attended at the Trout Point Lodge property and noted a sign that says "Guests and Members Only – No Trespassing", so he did not go in.

- (d) On Saturday, May 27<sup>th</sup>, Mr. Horton telephoned Trout Point Lodge and asked for Charles Leary. He was told Mr. Leary was not in and left a message for Mr. Leary to return his call. As of June 1, 2017, the call has not been returned.
- (e) As the result of my aggressive efforts, but unsuccessful efforts, it is clear to me that Mr. Leary is adamant in avoiding service.

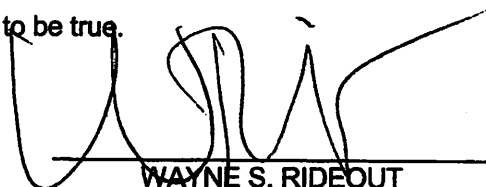
A copy of Mr. Horton's email response is attached hereto as **Attachment "D"**.

6. Mr. Horton has further advised, and I do verily believe, that he is returning the original documents to my office via Canada Post.

7. Respectfully, I suggest that Substituted Service by way of posting the documents on the Lodge gate would be appropriate.

I declare the information in this Affidavit to be true.

June 2, 2017

  
\_\_\_\_\_  
WAYNE S. RIDEOUT  
Barrister & Solicitor  
Legal Counsel for the Plaintiff,  
Douglas Handshoe

**RETURN**

AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

Southern District of Mississippi

Douglas Handshoe

*Plaintiff(s)*

v.

Civil Action No. 1:15cv382-HSO-JCG

Vaughn Perret, Charles Leary, Daniel Abel d/b/a  
 Trout Point Lodge Ltd. & in their individual capacities,  
 Progress Media Group, Ltd., Marilyn Smulders,  
 Torstar Corp, National Geographic Society et al

*Defendant(s)***SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Trout Point Lodge, LTD  
 189 Trout Point Road  
 East Kemptville, NS B5A 5X9, Canada

An amended lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached amended complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Douglas Handshoe  
 Post Office Box 788  
 Wiggins, MS 39577-0788

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ARTHUR JOHNSTON

CLERK OF COURT

Date:

5-12-17

  
 Signature of Clerk or Deputy Clerk

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Civil Action No. 1:15cv382 HSO-JCG

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**ATTACHMENT "B"**



**Wayne S. Rideout**  
Barrister, Solicitor & Notary Public

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Garnet Horton  
Bailiff Service  
66 Argle Street  
Yarmouth, Nova Scotia

May 19, 2017  
File No. 3181-01

Dear Garnet:

**Re: Summons in a Civil Action**

In relation to the caption, I enclose and comment:

1. I confirm that my assistant, Tina Jardine, spoke with you on the telephone on May 19, 2017.
2. Please find enclosed the following documents:
  - a. Summons in a Civil Action for Trout Point Lodge, Ltd.
  - b. Proof of Service document, marked "Return", to be completed and returned to my office after service is completed.
  - c. Corporate Profile information for Trout Point Lodge Limited as found on the Nova Scotia Registry website.

Thank you for your assistance. Please submit your invoice to my office along with the Proof of Service.

Yours truly,

A handwritten signature in cursive script, appearing to read "Wayne S. Rideout".

*for* Wayne S. Rideout  
WSR/tj  
Encl.  
PC-Client

**ATTACHMENT "C"**

## Trout Point Lodge

wayne RIDEOUT

Thu 2017-06-01 10:09 AM

To: gl\_horton@hotmail.com <gl\_horton@hotmail.com>;

Good morning, Mr. Horton. Just touching base to see how you're making out serving Trout Point. If you've had success, great! If not, we/you will need to draft up an Affidavit detailing the times and dates you went there and the fact the road was still gated. As you are aware, time is of the essence. Please advise today. Thank you.

Wayne S. Rideout  
Barrister, Solicitor & Notary Public  
70 King St,  
PO Box 594,  
Shelburne, NS B0T 1W0  
902-875-2500(ph)  
902-875-3060 (fax)

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ATTACHMENT "D"

## Re: Trout Point Lodge

Garnet Horton <gl\_horton@hotmail.com>

Thu 2017-06-01 11:09 AM

To:wayne RIDEOUT <wrideout3@hotmail.com>;

Good morning Wayne,

Tried to serve Charles Leary without success. I know that they shop at Superstore so I went there on Wednesday, May 24th and waited from 1:30 to 3:30 pm and they didn't show up. Thursday the 25th from 2:00 to 3:30 pm didn't show up. Travelled to the Lodge on Friday the 26th of May at 10:40 and noticed the sign that says "Guests and Members only-No Trespassing" so I did not go in. Called on the 27th and asked for Charles, was told that he was not in and a message was left for him to call me. My phone call has not been returned as of June 1st,2017. Speaking with different people I heard that they hired a new manager and chef and these people will be doing the business in town instead of them so the chance of running into them is slim. I also heard that Trout Point Lodge is for sale for 2 + million dollars.

Sorry that I was unable to serve them for you Wayne. There will be no charge , as I pretty much knew it would be an impossible task, you can treat me to a drink sometime haha.

I will get your paperwork in the mail to you today.

Garnet

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From: wayne RIDEOUT <wrideout3@hotmail.com>

Sent: June 1, 2017 10:09:25 AM

To: gl\_horton@hotmail.com

Subject: Trout Point Lodge

Good morning, Mr. Horton. Just touching base to see how you're making out serving Trout Point. If you've had success, great! If not, we/you will need to draft up an Affidavit detailing the times and dates you went there and the fact the road was still gated. As you are aware, time is of the essence. Please advise today. Thank you.

Wayne S. Rideout  
Barrister, Solicitor & Notary Public  
70 King St,  
PO Box 594,  
Shelburne, NS B0T 1W0  
902-875-2500(ph)  
902-875-3060 (fax)

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